Bill

Received: 01/04/2001

Received By: rryan

Wanted: Soon

Identical to LRB:

For: Administration-Budget 6-8270

By/Representing: Coomber

This file may be shown to any legislator: NO

Drafter: rryan

May Contact:

Alt. Drafters:

Subject:

Criminal Law - district attys Criminal Law - miscellaneous

Criminal Law - sentencing

Extra Copies:

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DOA:.....Coomber -

Topic:

Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

Instructions:

See Attached

Drafting History:

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/P2	rryan 01/11/2001	gilfokm 01/11/2001	rschluet 01/12/2001	lrb_docadmin 01/12/2001		State
/P3	rryan 01/22/2001	gilfokm 01/22/2001	martykr 01/22/2001	lrb_docadmin 01/22/2001		State
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02/12/2001 05:21:01 PM Page 2

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DOA:.....Coomber -

Criminal Law - sentencing

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01/22/2001 01:38:32 PM Page 2

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Received: 01/04/2001

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Identical to LRB:

For: Administration-Budget 6-8270

By/Representing: Coomber

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DOA:.....Coomber -

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Instructions:

See Attached

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State

FE Sent For:

<END>



STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION 101 East Wilson Street, Madison, Wisconsin

Mailing Address: Post Office Box 7864 Madison, WI 53707-7864



TOMMY G. THOMPSON GOVERNOR MARK D. BUGHER SECRETARY

Date:

January 3, 2001

To:

Steve Miller, Director

Legislative Reference Bureau

From:

Brett Coomber

DOA - State Budget Office

Subject: LRB Draft - Non-Statutory Language for the State Public Defender

Office, the Director of State Court's and the Wisconsin District

Attorney's Association to create a diversion program.

Please draft as non-statutory, language that directs the State Public Defender's Office to collaborate with the Director of State Court's and the Wisconsin District Attorney's Association to develop and implement a diversion program for misdemeanor offenders. This program could include recommendations and alternatives in the charging and sentencing of certain non-violent property crimes. A detailed outline of the program is to be submitted to the Department of Administration, for review, by July 1, 2002. The Department of Administration will earmark \$2,000,000 in Federal Byrne Grants to be distributed among the three organizations listed above in order to facilitate the start-up costs of the new program. The distribution of these funds will be subject to the Department of Administration's review and acceptance of the submitted plan.

The intent of this request is to create a diversion program that will provide an alternative sentencing option for the above parties involved in the defense, prosecution and sentencing of a convicted misdemeanor offender.

Thank you for your time and assistance. If you have any questions, please call me at 266-8270.

cc. Jim Johnston, Team Leader Justice Team



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(3)

State of Misconsin 2001 - 2002 LEGISLATURE

LRB–1792/P1 RLR://.: WWW./

DOA:.....Coombs – Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION



AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau COURTS AND PROCEDURE

PUBLIC DEFENDER

Under current law, judges may sentence misdemeanor offenders to pay a fine not to exceed \$10,000 or to serve up to nine months in jail, or both, for each criminal violation classified as a misdemeanor. This bill directs the public defender board, in conjunction with the director of state courts and the Wisconsin District Attorneys Association, to submit a proposal recommending alternative charging and sentencing options for misdemeanor offenders, to DOA by July 1, 2002, and to implement the proposal if approved by DOA.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 9139. Nonstatutory provisions; public defender board.

(1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The public defender board, in consultation with the director of state courts and the Wisconsin District Attorneys

Association, shall develop a proposal for alternative penalties for misdemeanor crimes to divert misdemeanor offenders from imprisonment, and shall submit a report describing the proposal to the department of administration by July 1, 2002. The proposal shall address, among other topics, alternative charging and sentencing options for non-violent crimes against property. Upon approval of the proposal by the department of administration, the public defender board and the director of state courts shall implement the proposal in conjunction with the Wisconsin District Attorneys Association.

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STATE OF WISCONSIN – **LEGISLATIVE REFERENCE BUREAU** – LEGAL SECTION (608–266–3561)

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2001 – 2002 LEGISLATURE

DOA:.....Coomber - Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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relating to: the budget.

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Section 9139. Nonstatutory provisions; public defender board.

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1	(1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The public defender board, in
2	consultation with the director of state courts and the Wisconsin District Attorneys Charging and sentencing options
3	Association, shall develop proposal for alternative peralties for misdemeanor
4	crimes to divert misdemeanor offenders from imprisonment, and shall submit a property the recommended opnores
5	proport describing/the proposal to the department of administration by July 1, 2002.
6	The proposal shall address, among other topics, alternative charging and sentencing
7	options for nonviolent crimes against property. Upon approval of the proposal by the
8	department of administration, the public defender board and the director of state
9	courts shall implement the proposal in conjunction with the Wisconsin District
<u>0</u>	Attorneys Association
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	the portions of the proposal that
	, the portions of the proposal that are permitted under state statutes or rules

2001–2002 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

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The bill requires DOA to earmark \$2,000,000 in fiscal year 2002–2003 for distribution to the public defender board, the director of state courts and the Wisconsin District Attorneys Association to fund activities to divert misdemeanor offenders from imprisonment, and allows DOA to distribute the funds upon approving the proposal submitted by the public defender board.

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INSERT 2 at 11:

Section 9101. Nonstatutory provisions; administration

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(1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary of administration shall allocate \$2,000,000 in fiscal year 2002–2003 from the appropriation under 20.505 (6) (pb) of the statutes for distribution to the public defender board, the director of state courts, and the Wisconsin District Attorneys Association to fund activities to divert misdemeanor offenders from imprisonment. No expenditure of the \$2,000,000 allocated under this subsection may be made except upon approval of the department of administration of a proposal for diversion programs submitted to the department of administration by the public defender board.

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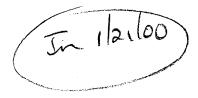
2001 - 2002 LEGISLATURE

LRB-1792/PZ

RMR

DOA:.....Coomber - Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION



AN ACT . Felating to: the budget.

Analysis by the Legislative Reference Bureau COURTS AND PROCEDURE

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For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 9101. Nonstatutory provisions; administration.

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the Wisconsin District Attorneys Association, the portions of the proposal that are

(END)

2 permitted under state statutes or rules.

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION (608-266-3561)

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LRB-1792/1/ 2 RLR:kmg:km

RMR

DOA:.....Coomber – Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

In 1/29/01

AN ACT/...; relating to: the budget.

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Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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(1) MISDEMEANOR OFFENDER DIVERSION PROGRAM. The secretary of administration shall allocate up to \$2,000,000 in fiscal year 2002–03 from the appropriation under section 20.505 (6) (1) of the statutes for distribution to the public defender board, the director of state courts, and the Wisconsin District Attorneys Association to fund activities to divert misdemeanor offenders from imprisonment. No expenditure of the amount allocated under this subsection may be made except upon approval of the department of administration of a proposal for diversion programs submitted to the department of administration by the public defender board.

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- 1 the Wisconsin District Attorneys Association, the portions of the proposal that are
- 2 permitted under state statutes or rules.

3

(END)

Ryan, Robin

From:

Johnston, James

Sent:

February 10, 2001 12:37 PM Ryan, Robin

To:

Cc:

Subject:

Coomber, Brett; Statz, Andrew LRB # 1792: \$2 million for SPD, WDDA, & the courts

Robin,

The appropriations for LRB# 1792 should changed as noted below:

20.505 (6)(kt) should be 20.505 (6)(kp) 20.505 (6)(pc) should be 20.505(6)(m)

Thanks, Jim



State of Wisconsin 2001 - 2002 LEGISLATURE

LRB-1792/2 3 RLR:kmg:ch

DOA:.....Coomber - Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

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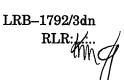
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This is reconciled section 9101 (1). This section has been affected by drafts with the following LRB numbers: 1-155:

and and

- 1 the Wisconsin District Attorneys Association, the portions of the proposal that are
- 2 permitted under state statutes or rules.
- 3 (END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU



Brett Coomber and Cynthia Dombrowski,

This draft reconciles LRB-1792 and LRB-1552. Both of these drafts should continue to appear in the compiled bill.

Robin Ryan Legislative Attorney Phone: (608) 261–6927

E-mail: robin.ryan@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-1792/3dn RLR:kmg:pg

February 12, 2001

Brett Coomber and Cynthia Dombrowski,

This draft reconciles LRB-1792 and LRB-1552. Both of these drafts should continue to appear in the compiled bill.

Robin Ryan Legislative Attorney Phone: (608) 261–6927

E-mail: robin.ryan@legis.state.wi.us



State of Misconsin 2001 - 2002 LEGISLATURE

LRB-1792/3 RLR:kmg:pg

DOA:.....Coomber - Direct public defender, state courts, and district attorneys association to develop a misdemeanor diversion program

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****NOTE: This is reconciled s. 91.01 (1). This Section has been affected by drafts with the following LRB numbers: -1792/2 and -1552.

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